

18ef.

OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

VOLUME 1. Part 13. Pp. 103-114.

OPINION 4

The status of names published as manuscript
names

LONDON:

Printed by Order of the International Commission on
Zoological Nomenclature

Sold at the Publications Office of the Commission
41, Queen's Gate, London, S.W.7

1944

Price three shillings

(All rights reserved)

INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION OF THE COMMISSION AT THE TIME OF THE ADOPTION OF *OPINION 4*

The Officers of the Commission

President : Professor Raphael Blanchard (France).

Executive Secretary : Dr. Charles Wardell Stiles (U.S.A.).

Recording Secretary : Professor F. C. von Maehrenthal (Germany).

The Members of the Commission

Class 1907

Dr. H. HORST (Netherlands).

Dr. F. A. JENTINK (Netherlands).

Professor David Starr JORDAN (U.S.A.).

Herr Geheimrat Dr. F. E. SCHULZE (Germany).

Dr. Leonhard STEJNEGER (U.S.A.).

Class 1910

Monsieur le Professeur Raphael BLANCHARD (France) (*President of the Commission*).

Monsieur le Professeur L. JOUBIN (France).

Dr. Charles Wardell STILES (U.S.A.) (*Executive Secretary to the Commission*).

Dr. Th. STUDER (Switzerland).

Professor R. Ramsay WRIGHT (Canada).

Class 1913

Monsieur le Professeur Ph. DAUTZENBERG (France).

Professor William Evan HOYLE (United Kingdom).

Dr. L. von GRAFF (Austria-Hungary).

Professor F. C. von MAEHRENTHAL (Germany) (*Recording Secretary to the Commission*).

Professor F. OSBORN (U.S.A.).



OPINION 4.

THE STATUS OF CERTAIN NAMES PUBLISHED AS MANUSCRIPT NAMES.

SUMMARY.—Manuscript names ^{1,2} acquire standing in nomenclature when printed ³ in connection with ⁴ the provisions of Article 25, and the question as to their validity is not influenced by the fact whether such names are accepted or rejected by the author responsible for their publication.

Editorial Notes by Francis Hemming, Secretary to the International Commission on Zoological Nomenclature.

NOTE I.

On the date of the adoption of Opinion 4.

This *Opinion* was unanimously adopted by the International Commission on Zoological Nomenclature at their Session held at Boston in August 1907.

2. The following eight (8) Members of the Commission were present at that Session and accordingly voted in favour of this *Opinion* :—

Blanchard; von Graff; Hoyle; Jordan; ⁵ Osborn; Stejneger; Stiles; and Studer.

3. The following seven (7) Members of the Commission were not present at the Boston Session of the International Com-

¹ For a note on the limitation on this *Opinion* imposed by *Opinion* 5, see NOTE 3 below (pp. 106–107).

² For a note on the position of catalogue names in relation to the present *Opinion*, see NOTE 4 below (pp. 107–109).

³ For a note on the use here of the expression “ printed,” see NOTE 5 below (p. 110).

⁴ Most of the manuscript names the status of which is regulated by *Opinion* 4 were published long before the publication in 1905 of the International Code of Zoological Nomenclature. Accordingly, as respects such names the expression “ printed in connection with the provisions of Article 25 ” has the meaning “ printed in circumstances which would have complied with the provisions of Article 25 of the International Code, if the Code had been in existence at the time when the names in question were printed.”

⁵ The Commissioner here referred to is the late Commissioner David Starr Jordan not Commissioner Karl Jordan, the present President of the Commission, who at the time of the adoption of *Opinion* 4 was not a member of the Commission.

mission and are not recorded as having voted on the present *Opinion* :—

Dautzenberg; Horst; Jentink; Joubin; Maehrenthal; Schulze; and Wright.

NOTE 2.

On the date of the publication of Opinion 4.

This *Opinion* was first published on 18th October 1907 in *Science*, New York **26** : 522. It was published also in the report submitted by the International Commission on Zoological Nomenclature to the Seventh International Congress of Zoology which appeared in the *Proceedings* of the Congress issued in 1912. In the meanwhile it had been reprinted in July 1910 (*Smithsonian Publication* **1938** : 6) when the Smithsonian Institution first undertook to publish the *Opinions* rendered by the International Commission on Zoological Nomenclature.

NOTE 3.

On the relation of Opinion 5 to Opinion 4.

Opinion 4 is intended to be read jointly with *Opinion* 5,⁶ since in certain respects the last-named *Opinion* restricts the scope of *Opinion* 4.

2. *Opinion* 4 deals with the status of a manuscript name when published after 1757 in conditions which satisfy the provisions of Article 25 of the International Code, *i.e.* when the name in question is accompanied by an indication⁷ or definition or description (proviso (a) to Article 25) and when in the work in which the name is published the author by whom the name is published applies the principles of binary nomenclature⁸ (proviso (b) to Article 25).

3. No name which has not been "published" within the meaning to be attached to that expression as used in proviso (a) to Article 25, has any status under the International Code. Such a name stands therefore in relation to the Code in the same position

⁶ See pp. 115-126 below.

⁷ For the meaning to be attached to the expression "indication" as used in proviso (a) to Article 25 of the International Code in relation to names published before 1st January 1931, see *Opinion* 1 (pp. 73-86 above).

⁸ The question of the meaning to be attached to the expression "binary nomenclature" as used in the International Code is at present *sub judice*, as it was expressly referred to the International Commission on Zoological Nomenclature "for deliberation and report" by the Twelfth International Congress of Zoology at its meeting held at Lisbon in 1935. See 1943, *Bull. zool. Nomencl.* **1** : 45, 55.

as a manuscript name. Neither has such a name any availability (hence any validity) until such time as it is published in accordance with the provisions of Article 25. Thus, in the absence of express provision to the contrary, *Opinion 4* would have applied in its entirety to pre-1758 names when later republished in circumstances which satisfied the requirements of Article 25. Such a result would have been contrary to the intention of the Code and would inevitably have produced both confusion and inconvenience. In order to obviate such a result, the International Commission decided, when rendering *Opinion 4* (on the subject of the status of manuscript names) at the same time to render an *Opinion* (*Opinion 5*) on the subject of the status of pre-1758 names when later republished.

4. Accordingly, *Opinion 4* is to be interpreted as not applying to pre-1758 names when republished, the status of such names being regulated separately in *Opinion 5*.

NOTE 4.

On the status of catalogue names under Opinion 4.

Opinion 1, through its definition of the expression "indication" as used in proviso (a) to Article 25 of the International Code, lays it down *inter alia*, that, so long as a "specific name" (*i.e.*, a given combination of "generic" and "trivial" names) is either a purely "manuscript name" (*i.e.*, a name which has never appeared in print) or a name which has only been published as a "nomen nudum" (*i.e.*, has only appeared in print without an "indication"), that name has no status under the International Code and, therefore, no rights under the Law of Priority (Article 25). This applies equally to (i) the "generic" name and (ii) the "trivial" of which the "specific name" in question is composed, where the "generic name" as well as the "trivial name" has not previously been published with an "indication." Where in such a case the "generic name" comprised in the binominal combination constituting the "specific name" has previously been published with an "indication," *Opinion 4* applies only to (1) the manuscript or nude "specific name" (*i.e.*, the combination of "generic" and "trivial" names) and (2) to the "trivial" name itself.

2. The consideration of the status of manuscript and nude "specific names" is carried a stage further by *Opinion 4*, which

regulates the position of such names when published (in catalogues, synonymies, etc.) as rejected synonyms.

3. Under *Opinion* 4, a "specific name," which previously was invalid because it was either a "manuscript name" or had only been published as a "nomen nudum" (*i.e.*, without an "indication") becomes "available" under Article 25 when published as a synonym of a "specific name" which (either in the same, or in some previous work) had been duly published with an "indication" and is, therefore, itself an "available name."

4. It depends on the circumstances of the particular case whether a "manuscript name" or a name which previously had only been published as a "nomen nudum" becomes a "valid name" as well as an "available name" when published in a catalogue or synonymic list in the manner described above.

5. If the "specific name" with which the name which was previously a "manuscript name" or a *nomen nudum* is synonymised has not only been published with an "indication" but is also itself the oldest available name for the species concerned, then the former manuscript or nude name becomes a synonym of that name.

6. If, however, the "specific name" with which the name which was previously a "manuscript name" or a *nomen nudum* is synonymised is itself an invalid name by reason of being a homonym and if the species has no other previously published and available "specific name," then the former manuscript or nude name becomes the valid "specific name" for the species (unless it, in turn, is invalid by reason of being a homonym).

7. The practical application of the foregoing principles may be illustrated by the following concrete example drawn from the Order Coleoptera (Class Insecta). Gemminger and Harold, 1868, *Catalogus Coleopterorum* 3:954, in dealing with the species *Leptinopterus ibex* (Billberg, 1820) cited the following synonyms:—

♂ *aries* Dej. *Cat.*, *l.c.* p. 194.⁹

♂ *complanatus* Dej. *Cat.*, *l.c.*

♂ *poliodontus* Dej. *Cat.*, *l.c.*

♀ *politus* Hope *i. litt.*

sarcorhamphus Castn., *His. nat.* II. p. 172.

♀ *Wilsoni* Hope *i. litt.*

⁹ The preceding reference in Gemminger and Harold shows that the reference here intended by those authors was to what they called the 3rd edition of the Dejean Catalogue. This so-called 3rd edition is, however, no more than a reprint of the 2nd edition, the stock of which had been destroyed by fire. Sherborn and others cite it as the 2nd edition. The page reference "194" cited by Gemminger and Harold is a misprint for "174".

8. Of the six synonyms included in the foregoing list, the trivial name *sarcorhamphus* Castelnau is the only one which at that time had been validly published with an "indication" under proviso (a) to Article 25. Of the remainder, three (3) (*aries*, *complanatus* and *poliodontus*) had previously been published as *nomina nuda*, while two (2) (*politus* and *wilsoni*) were nothing but "manuscript names."

9. Under *Opinion 4*, all the five foregoing "trivial names" are treated as having been published in combination with the "generic name" (*Leptinopterus*) of the species with which they were synonymised by Gemminger and Harold; all five of the "specific names" (combinations of "generic" and "trivial" names) so formed are made "available" by reason of having been published as synonyms of the previously published name *Lucanus ibex* Billberg, 1820, *Mém. Acad. imp. Sci. St. Pétersb.* 7 : 382 tab. 12 fig. 1.

10. Assuming that *Lucanus ibex* Billberg, 1820, is not only the oldest available name for the species but is not invalid by reason of being a homonym, then all the five "specific names" discussed in paragraph 9 above are synonyms of that name.

11. If it were the case that *Lucanus ibex* Billberg, 1820, and *Lucanus sarcorhamphus* Castelnau, 1840, were both invalid names by reason of being homonyms of other identical combinations and if also there were no other previously published (and available) "specific name" for this species, then the correct "trivial name" for this species would be "*aries*," the first of the nude or manuscript trivial names cited by Gemminger and Harold in the synonymy of *Leptinopterus ibex* (Billberg, 1820). The correct "specific name" of the species in the hypothetical circumstances envisaged would, therefore, be *Leptinopterus aries* (Dejean M.S.) Gemminger and Harold, 1868.

12. In some groups the number of manuscript names and *nomina nuda* made available nomenclatorially through being published under (*i.e.* as synonyms of) described names is very large. In most cases such names constitute a heavy, expensive and unnecessary burden on the systematics of the group concerned. Occasionally, however, the publication of such names is of value, for example, when a manuscript name has been widely used in the exchange of specimens or for the purpose of identifying specimens in museums or other collections. The practice of distributing to correspondents specimens labelled with manuscript names is, however, one to be avoided.

NOTE 5.

*On the use of the expression "printed" in the summary
of Opinion 4.*

As shown by the words used in the summary this *Opinion* applies to all manuscript names when "printed" in connection with ¹⁰ Article 25 of the Code. It is therefore immaterial from the point of view of this *Opinion* whether the author, in whose work the manuscript name is printed, expressly points out that the name is a manuscript name. The *Opinion* applies equally to a case where an author published in connection with ⁹ Article 25 a name that had been previously proposed in manuscript but does not draw attention to the fact. Similarly, this *Opinion* applies to the case where an author publishes a name and attributes it to some author in the erroneous belief that it had previously been published by that author, whereas in fact the name was still a manuscript name. It will be seen therefore that the scope of this *Opinion* is rather wider than appears from the title which might be thought to imply that this *Opinion* deals only with cases where the author who publishes a manuscript name states expressly that he is so doing.

FRANCIS HEMMING

*Secretary to the International Commission
on Zoological Nomenclature*

Secretariat of the Commission,
at the British Museum (Natural History),
Cromwell Road, LONDON, S.W.7.

10th May, 1944.

¹⁰ See footnote 4.

THE PUBLICATIONS OF THE COMMISSION.

(obtainable at the Publications Office of the Commission at 41, Queen's Gate, London, S.W.7.)

Bulletin of Zoological Nomenclature.

This journal has been established by the International Commission as their Official Organ in order to provide a medium for the publication of :—

- (a) proposals on zoological nomenclature submitted to the International Commission for deliberation and decision;
- (b) comments received from, and correspondence by the Secretary with, zoologists on proposals published in the *Bulletin* under (a) above; and
- (c) papers on nomenclatorial implications of developments in taxonomic theory and practice.

The *Bulletin* was established in 1943, in which year three Parts were published. Part 4 has been published in 1944 and Parts 5 and 6 are in the press.

Opinions and Declarations Rendered by the International Commission on Zoological Nomenclature.

The above work is being published in three volumes concurrently, namely :—

Volume 1. This volume will contain *Declarations* 1-9 (which have never previously been published) and *Opinions* 1-133 (the original issue of which is now out of print). Parts 1-15 (containing *Declarations* 1-9 and *Opinions* 1-6) have now been published. Further Parts will be published shortly.

Volume 2. This volume will be issued in 52 Parts, comprising all the decisions taken by the International Commission at their meeting at Lisbon in 1935, namely *Declarations* 10-12 (with Roman pagination) and *Opinions* 134-181 (with Arabic pagination). Part 52 will contain the index and title page of the volume. Parts 1-26, containing *Declarations* 10-12 and *Opinions* 134-156, have now been published. Further Parts will be published shortly.

Volume 3. This volume, which commenced with *Opinion* 182, will contain the *Opinions* adopted by the International Commission since their meeting at Lisbon in 1935. Parts 1-4 (containing *Opinions* 182-185) have now been published. Further Parts will be published as soon as possible.

APPEAL FOR FUNDS

The International Commission appeal earnestly to all institutions and individuals interested in the development of zoological nomenclature to contribute, according to their means, to the Commission's Special (Publications) Fund. Of the total sum of £1,800 required to enable the Commission to issue all the publications now awaiting printing, donations amounting to £773 13s. 7d. were received up to 30th June 1944. Additional contributions are urgently needed in order to enable the Commission to continue their work without interruption. Contributions of any amount, however small, will be most gratefully received.

Contributions should be sent to the International Commission at their Publications Office, 41, Queen's Gate, London, S.W. 7, and made payable to the "International Commission on Zoological Nomenclature or Order" and crossed "Account payee. Coutts & Co."

PRINTED IN GREAT BRITAIN BY
RICHARD CLAY AND COMPANY, LTD.,
BUNGAY, SUFFOLK.

